IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 18977 OF 2005

Date: 19.09.2005

BETWEEN:

M. Venkat Raju

.... PETITIONER

Vs.

1. The Secretary, State Election Commission, Bhuddabavan, Secunderabad, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 18977 OF 2005

ORDER:

The petitioner is a resident of Dhone Municipality in Kurnool District. He filed the writ petition to declare the action of the respondents in reserving seats for women in excess of 33.03% as illegal and contrary to Andhra Pradesh Municipalities (Reservation of Seats in the Municipal Council and Nagar Panchayats) Rules, 1995 (for short 'the Rules').

The matter was initially listed before this Court on 25.8.2005 and this Court directed the case to be listed on 29.8.2005. Today when the case is listed, with the assistance of the learned Standing Counsel for Municipalities this Court has perused the statement showing Ward wise strength and percentage of the SC population to the total population of that Ward in descending order. The same shows that there are 20 Wards in Dhone Municipality and in

Ward Nos.10 and 3 there is huge population of Scheduled Castes. Therefore, these two were reserved for Scheduled Casts and out of them Ward No.3 was reserved for Scheduled Cast Women and Ward No.10 was reserved for Scheduled Caste General. The exercise does not in any manner support the submission of the learned counsel for the petitioner on that score. Insofar as reservation in excess of 33.03% is concerned, the statement of reservations would show that out of 20 Wards, eight Wards are reserved for Women (1 SC, 3 BC, and 4 General). Though the seats reserved for women are slightly more than 33.03%, the same does not in any manner contravene provisions of the Andhra Pradesh Municipalities Act, 1965 or the Rules. It may be noticed that as per clause (2) of Article 243T of the Constitution of India, it is incumbent on the part of the State to reserve not less than 1/3 of total number of seats for Women out of the seats reserved for Scheduled Casts and Scheduled Tribes. The reservation provided is minimum reservation and is not maximum reservation as contended by the petitioner.

The Writ Petition, for the above reasons, is devoid of merit and is accordingly, dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

19th September, 2005

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